

Mail completed form to:

PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD

OC03-010

RECEIVED

JUL 30 2003

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

COMPLETE INFORMATION IS REQUIRED - ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL OR BUSINESS* ☒ PERSON FILING COMPLAINT (Please print): MIKE JOHANSON PLANT MGR.

COMPANY (If applicable) SANTEL Comm. ADDRESS 308 So. Dumont Woonsocket, S.D. 57385 PHONE NUMBER
605-796-4114

SIGNATURE OF COMPLAINANT [Signature] DATE: 7-28-03 EMAIL ADDRESS: m.johnson@santel.net

*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: DENNIS SCHULZ of SCHULZ ELECTRIC PHONE NUMBER: 605-928-3716

ADDRESS: 704 WEST MAPLE ST. PARKSTON, S.D. 57366

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES ___ NO ☒ LOCATE TICKET #: _____ START DATE ON TICKET: N/A

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ___ NO ☒

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ___ NO ☒

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: TELEPHONE CABLE OPERATOR OF FACILITY (IF KNOWN): CENTRAL CABLE CONTRACTORS
WAUPUN, WISC 53963-9766 INSTALLING CABLE FOR SANTEL COMM. CO-OP IN PARKSTON.

OPERATOR ADDRESS: W7435 COUNTY A.W. WAUPUN, WISC PHONE NUMBER: 920-324-4118

DEPTH OF COVER: 40" PRESSURE: _____ VOLTAGE: _____ NUMBER OF CABLE PAIRS: 400 COPPER + TWO
FOURTEEN DUCTS.

IV. MARKING

WERE FACILITIES MARKED? YES ___ NO ☒ WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES ___ NO ☒

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES ___ NO ☒

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES ___ NO ☒

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES ___ NO ☒

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES ___ NO ☒

IS THERE AGREEMENT? YES ___ NO ☒ IF NO, PLEASE EXPLAIN: HOMEOWNER TOLD CONTRACTOR TO BILL HIM
FOR ALL DAMAGES.

V. DAMAGE (IF ANY)

FATALITIES: YES INJURIES: NO LENGTH OF HOSPITALIZATION: _____

ESTIMATED PROPERTY DAMAGE (\$): 7,000 to 8,000 NUMBER OF CUSTOMERS AFFECTED: NEW (NOT USED YET)

DAMAGED IN: PUBLIC ☒ PRIVATE _____ (RIGHT-OF-WAY) PHOTOS OF THE DAMAGED FACILITY? YES ☒ NO ___

ADDITIONAL INFORMATION: _____

VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED:

NO LOCATE CALLED IN TO ONE CALL

ADDRESS/LOCATION OF PROBABLE VIOLATION:

LANDOWNER
EAST SIDE OF STREET FROM RUSS KABEISEMAN RESIDENCE (PARKSTON) GAS-928-408

DATE/TIME OF PROBABLE VIOLATION

ESTIMATE : THE FIRST THREE WEEKS OF JULY ~~2003~~ ~~2002~~ CUT NOT DISCOVERED UNTIL
JULY 22ND WHEN PULLING ROPE THRU DUCTS.

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES ☐ NO ☒

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: _____

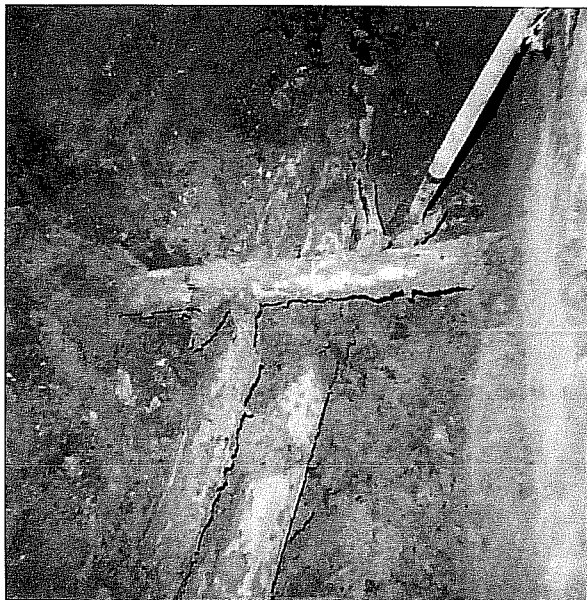
DESCRIPTION OF PROBABLE VIOLATION:

THIS IS NOT THE FIRST TIME SCHULT ELECTRIC
HAS BEEN DIGGING WITHOUT PROPER ONE-CALLS. BOTH UTILITIES,
(TELEPHONE AND ELECTRIC) HAVE MENTIONED SUBJECTS LACK OF
COMPLIANCE REGARDING SOUTH DAKOTA ONE CALL LAWS. NO
MENTION OF CUT WAS MADE TO LANDOWNER OR CONTRACTOR
AFTER INCIDENT OCCURED.

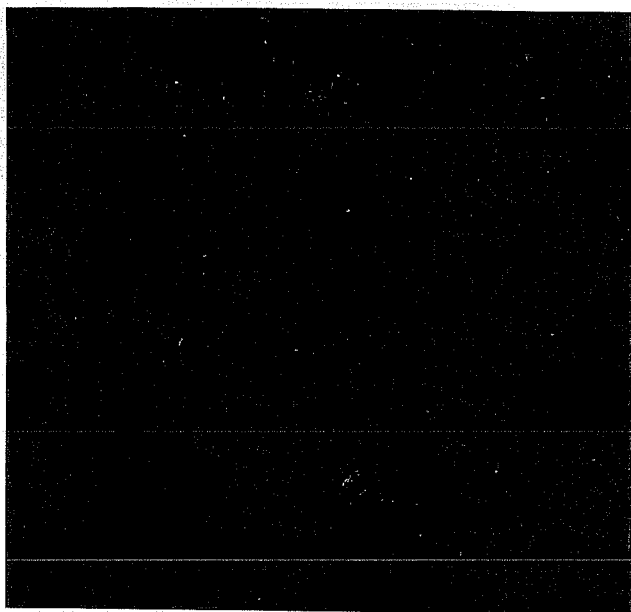
* PHOTO SHOWS A GRAY PLASTIC PIPE (APP. 3" DIAMETER)
TRENCHED THRU A BLACK 400 PAIR CABLE AND TWO ORANGE
(4") DUCTS. ALL THREE WERE SEVERED AND COVERED UP.
CUT NOT DISCOVERED UNTIL 7-22-03 WHEN ROPE WAS
BEING PULLED THRU DUCT.



PARKSTON, S.D.



PARKSTON, S.D.



110231799

PROPERTY OF SANTEL COMM.
BOX 67 WOONSCKET, S.D.
ATTN: MIKE JOHNSON

TO WHOM IT MAY CONCERN:

PURSUANT TO THE COMPLAINT AGAINST DENNIS SCHULTZ, SCHULTZ ELECTRIC SERVICE, WITH REGARDS TO THE DIGGING / CUTTING OF TELEPHONE CABLE AND TWO PVC CONDUITS, I WOULD LIKE FOR IT TO BE KNOWN THAT I, RUSSELL KABEISEMAN TOLD MR. SHULTZ THAT THE AREA IN WHICH WE WOULD BE DIGGING WAS CLEAR OF ANY BURIED CABLES, WATER LINES, ETC. AS I HAD THE AREA CHECKED A YEAR PRIOR DURING CONSTRUCTION OF A BUILDING THAT I HAD ERECTED ON THE PROPERTY.

THE TELEPHONE COMPANY DID INSTALL NEW CABLES THIS SPRING, OF WHICH I THOUGHT WERE ON THE WEST SIDE OF THE STREET. DURING THEIR INSTALLATION WHEN REACHING THE NORTH EDGE OF MY PROPERTY ON THE WEST SIDE OF THE ROAD THEY THEN JUMPED TO THE EAST SIDE OF THE STREET AND CONTINUED TO INSTALL THE CABLES & CONDUIT TO THE SOUTH.

WHEN DIGGING THE TRENCH TO INSTALL MY CONDUIT WE WERE VERY CAREFUL NOT TO DAMAGE THE CABLES ON THE WEST SIDE OF THE STREET BUT WERE UNAWARE THAT THEY WERE ON THE EAST SIDE OF THE STREET THEREFORE CAUSING THE DAMAGE.

SINCERELY,

**RUSSELL A. KABEISEMAN
511 E. ASH
PARKSTON, SOUTH DAKOTA**

SCHULZ ELECTRIC SERVICE

Dennis Schulz
401 N. Chapman Dr.
Parkston, SD 57366

Phone 1 605 928 3716
Fax 1 605 928 3206

September 05, 2003

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
1012 NORTH SYCAMORE AVE.
SIOUX FALLS, SD 57110

To Whom It May Concern:

I was asked by Russ Kabeiseman to trench across the city street by his property. I had asked Russ if he was going to get the locates. He then said "everything was clear." The day of trenching the line across the city street, May 30th, I again asked if everything was clear. He said "yes everything was cleared and ready to go." The location of Russ Kabeiseman's property is 511 East Ash Street, Parkston, S. D.

Russ Kabeiseman is accepting all responsibility in this matter. I hope his letter will resolve this oversight.

In regards to the comment made in a letter received from you: 'This is not the first time Schulz Electric has been digging without properly notifying underground facility operators of excavation by notifying South Dakota One Call. Both utilities (telephone and electric) have mentioned Schulz Electric's lack of compliance regarding South Dakota One Call Statutes and Administrative Rules.' To my knowledge I have never cut a line. If you have this on record, please send a copy of date, time, and location of incident.

Sincerely,

Dennis Schulz/Owner/Electrical Contractor